

Application No. 10/565,311
Amendment Dated July 24, 2010
Reply to Office Actions mailed April 26, 2010 and July 13, 2010

REMARKS

Applicant called the examiner on July 9, 2010 and requested an interview regarding the office action dated April 26, 2010 which took place the same day. In the interview, the examiner explained her position that the structural differences presented in the response to the Office Action dated November 24, 2009 were not originally disclosed in the specification of the Application and, therefore, the arguments made by the applicant could not be considered evidence of these facts. However, the examiner invited the Applicant to submit the scientific facts in the form of a Rule 1.123 Declaration. If submitted as a Rule 1.123 Declaration, the scientific facts presented in the arguments would be considered factual evidence to support the specification and claims. Applicant thanks the examiner for the interview.

Claims 1, 3-12 are pending. In the office action mailed April 26, 2010, the Examiner rejected claims 1, 3-12 under 35 U.S.C. as failing to comply with the written description requirement. Applicant has amended claim 1 to traverse the rejection based on subject matter which was not disclosed in the specification.

The claims as amended are now believed to be in condition for allowance and early action to that effect is earnestly solicited.

Respectfully submitted,



Barbara Pause